

## **ANALYSIS OF THE ELEVENTH CIRCUIT**

### **A. Number of Authorized Judges and Current Request for Additional Judges**

The Eleventh Circuit was formed in 1981 when Congress decided to split the old Fifth Circuit. At that time, the Eleventh Circuit was allocated 12 judgeships, a number which has not changed over the years. When the 105th Congress confirmed two nominees for vacancies in the Eleventh Circuit, all vacancies of the circuit had been filled and, since then, the Eleventh Circuit has been operating at full strength. There has been substantial debate as to whether additional judgeships should be created in the Eleventh Circuit. Chief Judge Joseph Hatchett, for example, has urged that the Eleventh Circuit be awarded 3 additional judgeships. On the other hand, former Chief Judge Gerald Tjoflat has opposed the creation of additional judgeships, arguing that such an increase would be harmful rather than helpful. As late as October 1996, the judges of the Eleventh Circuit voted unanimously against asking for additional judges for their court.

### **B. Discussion of Eleventh Circuit Caseload**

According to Judge Hatchett, in 1996 litigants filed 6329 appeals in the Eleventh Circuit, representing a 40.2% increase since 1991 and a 161% increase since 1981. Importantly, in 1996, the court ranked first among the circuits in terminated appeals per 3-judge panel with 1547 - a number 25.1% higher than the second-ranked circuit. In addition, the Eleventh Circuit ranked first among the circuits in termination on the merits per active judge (713) and in the number of written decisions generated per active judge (227).

The Eleventh Circuit has a median time of 14.2 months from filing of a notice of appeal to final disposition. While the average median time among the federal circuits has risen from 10.3 months in 1996 to 11.0 months in 1997, the Eleventh Circuit was able to decrease its time by five months. Nonetheless, the Eleventh Circuit still ranks near the bottom in final disposition time. According to Judge Tjoflat, the Eleventh Circuit's relatively long time to disposition is due primarily to the court's unusually high percentage of criminal cases. In 1996, while criminal cases accounted for only 25.5% of total cases terminated for all courts of appeals, they accounted for 39% of the Eleventh Circuit's caseload. Judge Tjoflat explained that many of these criminal cases require time-consuming determinations, for example determinations of a defendant's financial ability and eligibility for *in forma pauperis* status under the Criminal Justice Act.

### **C. Eleventh Circuit Case Management**

All cases go through the Eleventh Circuit's judicial screening process prior to being placed on the oral argument calendar. A randomly assigned 3-judge panel determines whether oral argument would be helpful and, if not, whether there is unanimous agreement on the ultimate outcome of the case. If any panel member determines that oral argument would be beneficial to a case, it is scheduled during the next available oral argument panel in the location most convenient for the parties.

Oral argument sessions are established each year in advance. Generally, there are 41-42 panel weeks of oral argument each year. Each panel usually hears 20-22 appeals or consolidated appeals, with each judge typically hearing argument for 7 to 8 weeks. Each week of oral argument consists of 21 scheduled cases spread over 4 days. In addition to these regularly scheduled oral argument sessions, the court also schedules separate oral arguments for death penalty cases and emergency matters.

The Eleventh Circuit sits en banc 3 times a year, usually in October, February and June, and considers from one to 5 cases per en banc session.

Judge Tjoflat noted that the Eleventh Circuit is a “user friendly” court. Local rules of procedure provide litigants with more flexible briefing schedules than the Federal Rules of Appellate Procedure, and the court liberally grants requests for extensions. Judge Tjoflat remarked that in the interest of becoming more time efficient, the court is reexamining its procedures and is expected to shorten the time allowed for briefing and be less receptive to requests for extensions.

**Court Schedule and Recess Period:** In response to its increasing criminal docket, the Eleventh Circuit does not have a substantial recess period, and the circuit’s case screening process has never been recessed. In the past, the court did not hear oral arguments during the months of July and August. On average, the court has over 40 panel weeks of oral argument each year, with each panel hearing 20-21 matters over a four-day period.

**Judge Travel:** Judges in the Eleventh Circuit took a total of 88 non-case related trips in 1995, for a total of 241 travel days, 180 of which were workdays. Of these trips, 25 (28%) were for activities such as engagements at universities or bar associations. These trips comprised 51 travel days, of which 37 were workdays. The remaining trips were taken for circuit or district court meetings, AOUSC or FJC workshops, seminars or Judicial Conference activities.

In 1996, Eleventh Circuit judges’ non-case travel increased significantly: 108 trips consisting of 256 travel days, of which 201 were workdays. 45 trips or 42% were taken to engage in activities such as teaching or attending bar association meetings. These trips comprised 82 travel days, 66 of which were workdays. From January 1, 1997 to September 30, 1997, Eleventh Circuit judges took 76 non-case related trips for a total of 201 travel days (145 workdays). Of these trips, 20 were taken to engage in activities such as law school seminars or bar association meetings, and they comprised 61 travel days (41 workdays).

**Use of Staff Attorneys:** The number of staff attorneys allocated to each circuit is determined by a formula created by the Judicial Conference of the United States. For the Eleventh Circuit, the number of allocated staff attorneys has hovered at 35 to 40 over the past years. According to Judge Tjoflat, the Eleventh Circuit uses staff attorneys in diverse ways. The two main responsibilities assigned to staff attorneys are to determine whether the court has jurisdiction over a filed appeal; and to classify all filed appeals into issues. This latter task often involves the drafting of a bench memorandum providing a judge with all relevant law to help the judge determine whether oral argument is needed.

**Use of Visiting Judges:** In 1997, the Eleventh Circuit used 21 visiting judges, who were senior judges from other circuits. During a twelve-month period ending in September 1996, visiting judges to the court participated in 5.9% of decisions on the merits, as compared to a national average of 6.4% of merit terminations by visiting judges. Judge Tjoflat testified that visiting judges are of great benefit to a circuit, for example by providing the court with new ideas about improving the efficiency and quality of the administration of justice.

**Use of Senior Judges:** In 1998, the Eleventh Circuit was able to utilize the work of eight senior judges. Of these eight senior judges, the circuit has classified seven as being “substantially active.” Senior judges in the Eleventh Circuit, along with visiting judges, participate primarily in oral argument panels. Occasionally, however, senior judges do participate in the Eleventh Circuit’s case screening process.

**Use of Mediation Programs:** While Judge Tjoflat testified that the Eleventh Circuit has a mediation program which is working “very well”, he believed that the court could make better use of alternative dispute resolution techniques.

#### **D. Eleventh Circuit Use of Other Court Efficiencies**

Eleventh Circuit judges make substantial use of computerized research systems. In addition, the court maintains a World Wide Web page and Internet site which includes the court’s published opinions.

#### **E. Conclusion**

When testifying before Congress in the summer of 1997, both Judge Hatchett and Judge Tjoflat urged the prompt filling of the two remaining vacancies on the Eleventh Circuit. This has since been accomplished. In addition, Judge Hatchett requested three additional judgeships for the Eleventh Circuit. However, it does not appear that Judge Hatchett’s request is supported by the other judges of the Eleventh Circuit. Importantly, it should be noted that in response to the 1996 judicial survey, 100% of the responding judges indicated that the Eleventh Circuit did not need more than 12 judgeships. Moreover, Judge Tjoflat strongly challenged the notion that the quality of justice in the Eleventh Circuit has suffered as a result of increased case filings. He argued instead that the solution to increasing court caseloads lies not in the creation of new Article III judgeships, but in providing current judges with more support, including additional staff and automation resources. Also, Judge Tjoflat indicated that an increasing reliance on alternative dispute resolution techniques and a reexamination of the Federal Rules of Civil Procedure could help alleviate any potential caseload problems.

Based on the court’s current needs and caseload, the Eleventh Circuit appears to be adequately staffed and is operating at full strength. Nearly all the judges of the Eleventh Circuit also appear to believe that 12 judgeships are sufficient to guarantee the court’s smooth operations. Therefore, the creation of additional judgeships for the Eleventh Circuit is not necessary, and, as stated by Judge Tjoflat, could even be detrimental to the court.

## U.S. COURT OF APPEALS - JUDICIAL CASELOAD PROFILE

## ELEVENTH CIRCUIT

ELEVENTH CIRCUIT			TWELVE MONTH PERIOD ENDED SEPTEMBER 30						
			1996	1995	1994	1993	1992	1991	
A P P E A L S	Total		6,329	5,948	5,730	5,639	4,947	4,514	
	Prisoner		1,899	1,841	1,611	1,437	1,277	1,069	
	Other		2,363	2,344	2,299	1,996	1,766	1,657	
	Criminal		1,928	1,587	1,684	1,892	1,771	1,675	
	Administrative		139	176	136	314	133	113	
	Percent Change In Total Filings Current Year		Over Last Year...	6.4	Over Earlier Years...	10.5	12.2	27.9	40.2
OVERALL CASELOAD STATISTICS	T E R M I N A T E D	Total		6,187	5,935	5,392	5,040	4,175	4,067
		Consolidations & Cross Appeals		283	340	306	225	234	313
		Procedural		2,859	2,340	2,307	2,057	1,548	1,383
		O N T H E M E R I T S	Total	3,045	3,255	2,779	2,758	2,393	2,371
			Prisoner	614	641	465	479	412	384
			Other	1,159	1,162	1,019	964	903	937
			Criminal	1,197	1,368	1,208	1,254	1,006	990
	Administrative		75	84	87	61	72	60	
	Percent by Active Judges		85.9	76.0	78.5	75.3	75.5	83.5	
	PENDING APPEALS		6,199	6,057	6,044	5,708	5,111	4,336	
ACTIONS PER ACTIVE JUDGE	Terminations on the Merits		713	744	637	628	605	543	
	Procedural Terminations		262	230	228	168	161	99	
	W R I T T E N D E C I S I O N S	Total	227	231	196	186	184	187	
		Signed	28	23	25	20	30	36	
		Unsigned	157	149	117	104	91	89	
		Without Comment	42	59	54	62	63	62	

Includes only judges active during the entire 12 month period.

# U.S. COURT OF APPEALS - JUDICIAL CASELOAD PROFILE

ELEVENTH CIRCUIT		TWELVE MONTH PERIOD ENDED SEPTEMBER 30						1996 NUMERICAL STANDING		
		1996	1995	1994	1993	1992	1991			
ACTIONS PER PANEL	Number of Judgeships/ Number of Panels	12/4.0	12/4.0	12/4.0	12/4.0	12/4.0	12/4.0			
	Number of Sitting Senior Judges	9	10	10	9	9	8			
	Number of Vacant Judgeship Months	12.0	12.0	15.0	12.0	35.0	13.0			
	APPEALS	Total	1,582	1,487	1,433	1,410	1,237	1,129	1	
		Prisoner	475	460	403	359	319	267	2	
		Other	590	586	575	499	442	415	1	
		Criminal	482	397	421	473	443	419	1	
		Administrative	35	44	34	79	33	28	7	
	TERMINATED	Total	1,547	1,484	1,348	1,260	1,044	1,017	1	
		Consolidations & Cross Appeals	71	85	76	58	59	78	6	
		Procedural	715	585	577	514	387	348	1	
		ON THE MERITS	Total	761	814	695	690	598	593	1
			Prisoner	154	160	116	120	103	96	4
			Other	289	291	255	241	225	234	1
			Criminal	299	342	302	314	252	248	1
			Administrative	19	21	22	15	18	15	7
	PENDING APPEALS		1,550	1,514	1,511	1,427	1,278	1,084	1	
MEDIAN TIME	Median Time From Filing Notice of Appeal To Disposition	14.7	15.1	14.8	13.7	14.0	12.8	12		
OTHER CASELOAD PER JUDGESHIP	Applications for Interlocutory Appeals	1	1	1	1	1	2	5		
	Pro Se Mandamus Petitions	8	9	10	8	6	5	4		
	Petitions for Rehearing	87	94	73	70	74	68	3		

\* See Page e.

FOR THE NATIONAL CIRCUIT PROFILE OPEN THE FOLD OUT AT THE END OF THIS SECTION

**U.S. COURT OF APPEALS - ELEVENTH CIRCUIT  
APPEALS FILED AND APPEALS FILED PER PANEL\*  
For Years Ended December 31**

<u>Year</u>	<u>TOTAL Appeals Filed</u>	<u>Appeals Filed Per Panel</u>
1996	6,183	1,546
<b>Percent Change Over 1981</b>	<b>+161%</b>	<b>+162%</b>
1995	6,116	1,529
1994	5,750	1,438
1993	5,705	1,426
1992	5,057	1,264
1991	4,677	1,169
1990	4,395	1,099
1989	4,471	1,118
1988	4,135	1,034
1987	3,864	966
1986	3,844	961
1985	3,990	998
1984	3,904	976
1983	3,323	831
1982	3,699	675
1981	2,365	591

\* The Eleventh Circuit has had 12 authorized judgeships since its inception in October, 1981, which equals 4 panels.

Sources: Appeals filed data from AO, Appeals Filed per Panel calculated by 11th circuit

**U.S. COURT OF APPEALS SUMMARY -- YEAR ENDED SEPTEMBER 30, 1996**

A P P E A L S	D.C.	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	9TH	10TH	11TH
Total	1,347	1,367	4,562	3,604	4,914	7,546	4,606	3,248	3,384	8,502	2,582	6,329
Prisoner	161	201	1,092	1,173	2,108	3,027	1,580	1,237	1,292	2,331	895	1,899
Other	561	732	2,337	1,663	1,636	2,623	1,937	1,254	1,339	3,674	1,160	2,363
Criminal	151	385	872	634	961	1,647	881	633	658	1,677	462	1,928
Administrative	474	49	251	134	209	249	208	124	95	820	65	139
Percent Change Over Last Year	-17.1	2.1	14.4	3.4	-5.4	15.9	-0.5	4.4	5.6	1.0	-1.4	6.4
In Total Filed Over 1991	-17.0	5.6	28.9	17.9	43.6	26.8	10.2	7.2	21.2	17.2	8.4	40.2
Total	1,674	1,395	4,207	3,369	5,130	7,010	4,218	3,149	3,212	8,175	2,687	6,187
Consolidations & Cross Appeals	293	43	329	149	427	154	163	290	263	481	123	283
Procedural	686	579	2,044	1,235	1,816	2,818	1,965	1,231	848	3,279	727	2,859
Total	695	773	1,834	1,985	2,885	4,038	2,090	1,628	2,101	4,415	1,837	3,045
Prisoner	88	99	409	549	1,311	1,236	434	504	774	927	576	614
Other	319	397	894	926	848	1,561	922	678	808	1,945	835	1,159
Criminal	131	243	437	428	585	1,062	613	380	474	1,022	377	1,197
Administrative	157	34	94	82	141	179	121	66	45	521	49	75
Percent by Active Judges	99.8	81.7	70.4	84.7	84.3	93.2	80.5	80.8	76.2	74.2	69.8	85.9
PENDING APPEALS	1,825	945	2,257	2,185	3,325	4,858	3,732	2,297	1,918	7,431	1,916	6,199
Terminations on the Merits	196	316	317	395	573	679	297	359	437	433	330	713
Procedural Terminations	55	67	58	118	146	145	67	62	99	123	50	262
Total	62	113	140	145	189	223	125	119	151	137	113	227
Signed	26	50	133	47	24	52	32	55	43	25	110	28
Unsigned	36	63	7	0	165	166	87	60	66	107	3	157
Without Comment	0	0	0	98	0	5	6	4	42	5	0	42

**OVERALL  
CASELOAD  
STATISTICS**

Appendix C

**ACTIONS  
PER  
ACTIVE  
JUDGE\***

\* Excludes cases where the judge is on leave during the entire 12-month period.

U.S. COURT OF APPEALS SUMMARY -- YEAR ENDED SEPTEMBER 30, 1956

ACTIONS PER PANEL*	APPEALS FILED	APPEALS TERMINATED	D.C.	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	9TH	10TH	11TH
	Members of Judgeships/ Number of Panels		12/4.0	6/2.0	13/4.3	14/4.7	15/5.0	17/5.7	16/5.3	11/3.7	1/3.7	28/9.3	12/4.0	12/4.0
	Members of Sitting Senior Judges			4	7	5	3	5	10	6	7	15	6	9
	Members of Vacant Judgeships Monthly		13.0	0.0	9.0	13.7	24.0	0.0	30.0	0.0	0.0	53.0	0.1	12.0
	Total		337	684	1,053	772	983	1,332	864	886	923	911	646	1,582
	Prisoner		40	101	252	251	422	534	296	337	352	250	224	475
	Other		140	365	540	356	327	463	364	342	366	393	290	590
	Criminal		36	193	201	136	192	291	165	173	179	180	116	482
	Administrative		119	25	60	29	42	44	39	34	26	88	16	35
	Total		419	698	971	722	1,026	1,237	791	859	876	876	672	1,547
	Consolidations & Cross Appeals		73	21	76	32	85	27	31	79	72	52	31	71
	Procedural		172	290	472	265	364	497	368	336	231	351	182	715
	Total		174	387	423	425	577	713	392	444	573	473	459	761
	Prisoner		22	50	94	118	262	218	81	137	211	99	144	154
	Other		80	198	206	197	170	276	173	185	221	208	209	289
	Criminal		33	122	101	92	117	187	115	104	129	110	94	299
	Administrative		39	17	22	18	28	32	23	18	12	56	12	19
	PENDING APPEALS		456	473	521	468	665	857	700	626	523	796	479	1,550
	Median Time From Filing Notice of Appeal To Disposition		12.0	8.5	7.9	8.0	7.8	8.8	13.1	10.5	8.2	14.3	10.1	14.7
	Applications for Innocent Appeals		1	1	1	1	2	3	1	1	2	2	1	1
	Pre-Sentencing Hearings		2	3	5	4	7	14	6	2	12	6	9	8
	Partners for Reviewing		21	12	39	32	134	42	44	42	92	50	29	87

\* See "Explanation of the Judicial Caseload Profiles."

**U.S. COURTS OF APPEALS  
APPLICATION OF NEW JUDGESHIP FORMULA  
YEAR ENDED JUNE 30, 1996**

Circuit	JUDGESHIP					JUDGESHIPS	
	Total Filings (A)	Reinstated Cases (B)	Original Pro Se (C)	Adjusted Filings* (D)	Formula Application** (E)	Current Judgeships (F)	Recommended in 1994 By Conference (G)
First	1,429	10	321	1,204	7	6	7
Second	4,320	390	1,522	2,910	17	13	14
Third	3,553	60	1,506	2,484	15	14	14
Fourth	5,012	30	2,557	3,262	20	15	15
Fifth	7,150	201	3,404	4,668	28	17	18
Sixth	4,651	36	2,000	3,275	20	16	20
Seventh	3,160	37	1,428	2,166	13	11	11
Eighth	3,351	2	1,427	2,393	14	11	11
Ninth	8,586	185	3,323	6,175	37	28	38
Tenth	2,631	10	1,120	1,871	11	12	15
Eleventh	6,228	48	2,506	4,501	27	12	12

\*Column E=(A)-(B)-(2/3\*(C))

\*\*Column F=(E)\*3/500

**U.S. COURT OF APPEALS - ELEVENTH CIRCUIT  
APPEALS TERMINATED ON THE MERITS AFTER ORAL HEARING  
AS A PERCENTAGE OF TOTAL MERITS TERMINATIONS  
For Years Ended December 31\***

<u>Year</u>	<u>TOTAL Merits Terminations</u>	<u>Appeals Terminated After Oral Argument</u>	<u>Appeals Terminated After Oral Argument as a % of Total Merits Terminations</u>
1996	3,083	953	30.9
1995	3,074	1,019	33.1
1994	2,987	1,065	35.7
1993	2,694	1,053	39.1
1992	2,586	988	38.2
1991	2,347	1,043	44.4
1990	2,183	985	45.8
1989	2,105	971	46.1
1988	2,077	950	45.7
1987	1,972	916	46.5
1986	2,248	1,104	49.1
1985	2,196	1,064	48.5

\* The Administrative Office (AO) did not break down merits terminations into after oral hearing and after submission categories on their published tables until 1985. Oral hearing data for 1982 - 1984 has been requested from the AO, but will not be available until after next week. However, there is no reason to believe it will be materially different from the 1985 through 1991 pattern.

Source: Merits Termination and Oral Hearing data from the AO, percentage calculations by Eleventh Circuit.

**U.S. COURT OF APPEALS - ELEVENTH CIRCUIT  
APPEALS TERMINATED ON THE MERITS BY PUBLISHED OPINION  
AS A PERCENTAGE OF TOTAL MERITS TERMINATIONS  
For Years Ended December 31\***

<b>Year</b>	<b><u>TOTAL Merits Terminations<sup>§</sup></u></b>	<b><u>Appeals Terminated By Published Opinion</u></b>	<b><u>Appeals Terminated By Published Opinion as a % of Total Merits Terminations</u></b>
1996	3,083	507	16.4
1995	3,071	472	15.4
1994	2,990	500	16.7
1993	2,692	489	18.2
1992	2,575	555	21.6
1991	2,339	659	28.2
1990	2,145	670	31.2
1989	2,114	674	31.9
1988	2,069	690	33.3

\* Data on appeals terminated on the merits by published opinion for 1982 - 1987 has been requested from the AO, but will not be available until after next week.

§ The number of merits terminations may differ from the number published in Administrative Office (AO) statistical tables because the data were compiled from the 11th Circuit database which contains corrected data.

Source: Eleventh Circuit Data

**U.S. COURT OF APPEALS - JUDICIAL CASELOAD PROFILE**

**NATIONAL TOTALS**

**OVERALL  
CASELOAD  
STATISTICS**

		TWELVE MONTH PERIOD ENDED SEPTEMBER 30						
		1996	1995	1994	1993	1992	1991	
A P P E A L S	Total	51,991	50,072	48,322	50,224	47,013	43,027	
	Prisoner	16,996	14,985	13,061	12,795	11,847	10,932	
	Other	21,279	21,630	21,218	21,639	20,716	18,987	
	Criminal	10,889	10,162	10,674	11,862	11,215	10,249	
	Administrative	2,827	3,295	3,369	3,928	3,235	2,859	
	Percent Change in Total Filings Current Year	Over Last Year...	3.8					
		Over Earlier Years...	7.6	3.5	10.6	20.8		
T E R M I N A T E D	Total	50,413	49,805	49,184	47,790	44,373	41,640	
	Consolidations & Cross Appeals	2,998	3,177	3,816	3,607	4,007	3,757	
	Procedural	20,089	18,856	18,149	18,422	16,769	14,862	
	O N T H E M E R I T S	Total	27,326	27,772	27,219	25,761	23,597	23,021
		Prisoner	7,521	7,242	6,634	6,157	5,509	5,584
		Other	11,292	11,293	10,987	10,087	9,942	9,756
		Criminal	6,949	7,652	7,932	7,791	6,777	6,393
		Administrative	1,564	1,585	1,666	1,726	1,369	1,288
		Percent by Active Judges	80.0	78.3	79.6	80.2	79.7	81.5
PENDING APPEALS		38,888	37,536	37,294	38,233	36,068	33,455	
A C T I O N S P E R A C T I V E J U D G E	Terminations on the Merits	435	449	459	428	399	391	
	Procedural Terminations	109	105	113	109	103	93	
	Written Decisions	Total	149	155	158	148	137	137
		Signed	50	53	54	49	51	53
		Unsigned	83	84	84	81	70	68
		Without Comment	16	18	20	18	16	16

\* Includes only judges active during the entire 12 month period.

# U.S. COURT OF APPEALS - JUDICIAL CASELOAD PROFILE

## NATIONAL TOTALS

NATIONAL TOTALS		TWELVE MONTH PERIOD ENDED SEPTEMBER 30					
		1996	1995	1994	1993	1992	1991
Number of Judgeships/ Number of Panels		167/55.7	167/55.7	167/55.7	167/55.7	167/55.7	167/55.7
Number of Sitting Senior Judges		78	80	73	70	66	65
Number of Vacant Judgeship Months		154.8	185.5	238.9	213.4	237.8	216.2
ACTIONS PER PANEL*	Total	934	899	868	902	845	773
	Prisoner	305	269	235	230	213	196
	Other	382	388	380	388	373	342
	Criminal	196	183	192	213	201	184
	Administrative	51	69	61	71	58	51
TERMINATED ON THE MERITS	Total	906	895	884	859	797	748
	Consolidations & Cross Appeals	54	57	69	65	72	67
	Procedural	361	339	326	331	301	267
	Total	491	499	489	463	424	414
	Prisoner	135	130	119	111	99	100
	Other	203	204	198	181	178	176
	Criminal	125	137	142	140	122	115
	Administrative	28	28	30	31	25	23
PENDING APPEALS		699	674	670	687	648	601
MEDIAN TIME	Median Time From Filing Notice of Appeal To Disposition	10.4	10.4	10.5	10.3	10.6	10.2
OTHER CASELOAD PER JUDGESHIP	Applications for Interlocutory Appeals	1	1	1	1	2	1
	Pro Se Mandamus Petitions	7	7	7	7	7	7
	Petitions for Rehearing	54	53	53	50	49	42

\* See "Explanation of the Judicial Caseload Profiles."

**U.S. COURTS OF APPEALS  
CRIMINAL APPEALS TERMINATED ON THE MERITS  
AS A PERCENTAGE OF ALL MERITS TERMINATIONS  
For Years Ended December 31**

<u>Year Circuit</u>	<u>TOTAL Merits Terminations</u>	<u>Criminal Appeals Terminated on the Merits</u>	<u>Criminal Appeals Terminated on the Merits as a % of Total Merits Terminations</u>
<b>1996</b>	27,506	7,021	25.5
DC	698	122	17.5
FIRST	740	231	31.2
SECOND	1,859	438	23.6
THIRD	1,915	463	24.2
FOURTH	2,844	604	21.2
FIFTH	4,034	1,110	27.5
SIXTH	2,144	587	27.4
SEVENTH	1,651	392	23.7
EIGHTH	2,031	458	22.6
NINTH	4,680	1,078	23.0
TENTH	1,827	336	18.4
ELEVENTH	3,083	1,202	39.0
<b>1995</b>	27,152	7,357	27.1
DC	684	132	19.3
FIRST	790	250	31.6
SECOND	1,862	509	27.3
THIRD	2,020	457	22.6
FOURTH	2,924	602	20.6
FIFTH	3,933	1,073	27.3
SIXTH	2,154	682	31.7
SEVENTH	1,624	372	22.9
EIGHTH	2,136	445	20.8
NINTH	4,226	1,177	27.9
TENTH	1,725	371	21.5
ELEVENTH	3,074	1,287	41.9
<b>1994</b>	27,550	7,971	28.9
DC	783	169	21.6
FIRST	776	239	30.8
SECOND	1,923	556	28.9
THIRD	2,147	547	25.5
FOURTH	2,650	641	24.2
FIFTH	3,650	914	25.0
SIXTH	2,275	754	33.1
SEVENTH	1,803	476	26.4
EIGHTH	2,182	475	21.8
NINTH	4,654	1,477	31.7
TENTH	1,720	422	24.5
ELEVENTH	2,987	1,301	43.6

**U.S. COURTS OF APPEALS  
CRIMINAL APPEALS TERMINATED ON THE MERITS  
AS A PERCENTAGE OF ALL MERITS TERMINATIONS  
For Years Ended December 31**

<u>Year Circuit</u>	<u>TOTAL Merits Terminations</u>	<u>Criminal Appeals Terminated on the Merits</u>	<u>Criminal Appeals Terminated on the Merits as a % of Total Merits Terminations</u>
<b>1993</b>	<b>25,948</b>	<b>7,816</b>	<b>30.1</b>
DC	810	178	22.0
FIRST	790	231	29.2
SECOND	1,791	569	31.8
THIRD	1,845	427	23.1
FOURTH	2,358	589	25.0
FIFTH	3,373	941	27.9
SIXTH	2,363	761	32.2
SEVENTH	1,718	394	22.9
EIGHTH	1,983	460	23.2
NINTH	4,590	1,630	35.5
TENTH	1,633	454	27.8
ELEVENTH	2,694	1,182	43.9
<b>1992</b>	<b>24,466</b>	<b>7,049</b>	<b>28.8</b>
DC	761	165	21.7
FIRST	800	234	29.2
SECOND	1,503	430	28.6
THIRD	1,759	405	23.0
FOURTH	2,113	526	24.9
FIFTH	3,144	817	26.0
SIXTH	2,160	641	29.7
SEVENTH	1,667	334	20.0
EIGHTH	2,034	453	22.3
NINTH	4,392	1,495	34.0
TENTH	1,547	412	26.6
ELEVENTH	2,586	1,137	44.0

Source: AO Data

**Case Participations in the U.S. Courts of Appeals  
on Cases Submitted on Briefs or Orally Argued  
During the Twelve-Month Period Ended September 30, 1991 Through 1996 \***

Circuit and Year	Total Case Participations	Resident Active Circuit Judges		Resident Senior Circuit Judges		Visiting Judges	
	Number	Number	Percent	Number	Percent	Number	Percent
<b>Total</b>							
1991.....	70,017	57,053	81.5	8,098	11.6	4,866	6.9
1992.....	71,775	57,178	79.7	9,404	13.1	5,193	7.2
1993.....	78,029	63,442	81.3	9,463	12.1	5,124	6.6
1994.....	82,613	65,940	79.8	10,477	12.7	6,196	7.5
1995.....	84,335	66,059	78.3	12,185	14.4	6,091	7.2
1996.....	83,308	66,609	80.0	11,370	13.6	5,329	6.4
<b>District of Columbia</b>							
1991.....	2,109	2,097	99.4	7	0.3	5	0.2
1992.....	2,205	2,180	98.9	0	0.0	25	1.1
1993.....	2,464	2,461	99.9	0	0.0	3	0.1
1994.....	2,333	2,279	97.7	4	0.2	50	2.1
1995.....	2,156	2,154	99.9	0	0.0	2	0.1
1996.....	2,117	2,112	99.8	4	0.2	1	0.0
<b>First Circuit</b>							
1991.....	2,211	1,680	76.0	325	14.7	206	9.3
1992.....	2,304	1,416	61.5	588	25.5	300	13.0
1993.....	2,504	1,957	78.2	319	12.7	228	9.1
1994.....	2,250	1,858	82.6	296	13.2	96	4.3
1995.....	2,351	1,843	78.4	378	16.1	130	5.5
1996.....	2,323	1,898	81.7	309	13.3	116	5.0
<b>Second Circuit</b>							
1991.....	4,824	3,605	74.7	839	17.4	380	7.9
1992.....	4,516	3,377	74.8	804	17.8	335	7.4
1993.....	5,120	3,378	66.0	1,114	21.8	628	12.3
1994.....	5,840	3,393	58.1	1,676	28.7	771	13.2
1995.....	5,672	4,062	71.6	1,297	22.9	313	5.5
1996.....	5,512	3,880	70.4	1,277	23.2	355	6.4
<b>Third Circuit</b>							
1991.....	4,843	3,713	76.7	745	15.4	385	7.9
1992.....	5,075	3,801	74.9	819	16.1	455	9.0
1993.....	5,497	4,416	80.3	693	12.6	388	7.1
1994.....	6,544	5,522	84.4	460	7.0	562	8.6
1995.....	6,132	5,499	89.7	390	6.4	243	4.0
1996.....	6,074	5,146	84.7	499	8.2	429	7.1
<b>Fourth Circuit</b>							
1991.....	6,431	5,206	81.0	592	9.2	633	9.8
1992.....	6,498	5,284	81.3	638	9.8	576	8.9
1993.....	6,835	5,401	79.0	999	14.6	435	6.4
1994.....	7,711	6,096	79.1	1,140	14.8	475	6.2
1995.....	9,236	7,449	80.7	1,490	16.1	297	3.2
1996.....	8,849	7,458	84.3	1,164	13.2	227	2.6
<b>Fifth Circuit</b>							
1991.....	8,175	7,310	89.4	782	9.6	83	1.0
1992.....	9,231	8,129	88.1	813	8.8	289	3.1
1993.....	10,130	9,085	89.7	784	7.7	261	2.6
1994.....	11,032	9,961	90.3	603	5.5	468	4.2
1995.....	11,667	10,657	91.3	686	5.9	324	2.8
1996.....	12,322	11,489	93.2	640	5.2	193	1.6

**Case Participations in the U.S. Courts of Appeals  
on Cases Submitted on Briefs or Orally Argued  
During the Twelve-Month Period Ended September 30, 1991 Through 1996 \***

Circuit and Year	Total Case Participations	Resident Active Circuit Judges		Resident Senior Circuit Judges		Visiting Judges	
	Number	Number	Percent	Number	Percent	Number	Percent
<b>Sixth Circuit</b>							
1991.....	7,646	5,358	70.1	1,212	15.9	1,076	14.1
1992.....	6,500	4,573	70.4	1,035	15.9	892	13.7
1993.....	6,950	5,094	73.3	1,088	15.7	768	11.1
1994.....	7,053	5,351	75.9	866	12.3	836	11.9
1995.....	6,794	4,573	67.3	1,125	16.6	1,096	16.1
1996.....	6,330	3,829	60.5	1,437	22.7	1,064	16.8
<b>Seventh Circuit</b>							
1991.....	4,241	3,884	91.6	245	5.8	112	2.6
1992.....	4,805	3,996	83.2	525	10.9	284	5.9
1993.....	4,989	4,115	82.5	447	9.0	427	8.6
1994.....	5,792	4,953	85.5	374	6.5	465	8.0
1995.....	5,125	3,728	72.7	946	18.5	451	8.8
1996.....	4,896	3,954	80.8	877	17.9	65	1.3
<b>Eighth Circuit</b>							
1991.....	5,779	4,267	73.8	1,015	17.6	497	8.6
1992.....	5,984	4,656	77.8	928	15.5	400	6.7
1993.....	6,262	5,236	83.6	703	11.2	323	5.2
1994.....	6,543	5,232	80.0	969	14.8	342	5.2
1995.....	6,387	5,172	81.0	789	12.4	426	6.7
1996.....	6,359	4,843	76.2	835	13.1	681	10.7
<b>Ninth Circuit</b>							
1991.....	11,148	9,637	84.2	1,282	11.2	529	4.6
1992.....	12,504	10,545	84.3	1,435	11.5	524	4.2
1993.....	14,232	12,131	85.2	1,481	10.4	620	4.4
1994.....	14,113	11,342	80.4	1,911	13.5	860	6.1
1995.....	13,391	9,828	73.4	2,534	18.9	1,029	7.7
1996.....	13,794	10,238	74.2	2,368	17.2	1,188	8.6
<b>Tenth Circuit</b>							
1991.....	5,125	4,293	83.8	402	7.8	430	8.4
1992.....	4,876	3,724	76.4	519	10.6	633	13.0
1993.....	4,700	3,443	73.3	633	13.5	624	13.3
1994.....	4,971	3,332	67.0	940	18.9	699	14.1
1995.....	5,570	3,591	64.5	1,360	24.4	619	11.1
1996.....	5,541	3,868	69.8	1,208	21.8	465	8.4
<b>Eleventh Circuit</b>							
1991.....	7,185	6,003	83.5	652	9.1	530	7.4
1992.....	7,277	5,497	75.5	1,300	17.9	480	6.6
1993.....	8,346	6,725	80.6	1,202	14.4	419	5.0
1994.....	8,431	6,621	78.5	1,238	14.7	572	6.8
1995.....	9,854	7,503	76.1	1,190	12.1	1,161	11.8
1996.....	9,191	7,894	85.9	752	8.2	545	5.9

\* A case participation by an individual judge is defined as an appeal in which the judge hears oral argument or where the appeal is submitted on briefs. Thus, where a single appeal is heard before a panel of three judges, the number of participations would be three. This table does not include data for the U.S. Court of Appeals for the Federal Circuit.

**ALLOCATION OF WORK UNITS FOR SENIOR STAFF ATTORNEYS' OFFICES  
FOR FY 1997 AT 84%**

Circuit (1)	Cases Filed Yr. Ending 6/30/96 (2)	LINE ATTORNEYS							Super. and Line Total (10)	Cler. Supp. 1:3 (11)	Total Atty. w/ Senior SA (12)	Total Clerical Supp. (13)	FY 1997 Staff Alloc. (14)	FY 1996 Staff Alloc. (15)	FY 1995 Staff Alloc. (16)
		Base Filing 3/31/90 (3)	Incr. FY 1996 (4)	Base Line Atty. (5)	Work Units Incr. @ 153:1 (6)	Total Line Atty. @ 100% (7)	Total Line Atty. @ 84% (8)	Super. Atty. 1:6 (9)							
DC	1,453	1,757	(304)	12	na	12	10.1	1.7	11.8	3.9	12.8	4.9	17.7	18	18
First	1,429	1,198	231	7	1.5	8.5	7.1	1.2	8.3	2.8	9.3	3.8	13.1	13	13
Second	4,320	3,434	886	16	5.8	21.8	18.3	3.1	21.4	7.1	22.4	8.1	30.5	30	30
Third	3,553	3,039	514	18	3.4	21.4	17.9	3.0	20.9	7.0	21.9	8.0	29.9	30	30
Fourth	5,012	3,349	1,663	19	10.9	29.9	25.1	4.2	29.3	9.8	30.3	10.8	41.1	34	34
Fifth	7,150	4,871	2,279	25	14.9	39.9	33.5	5.6	39.1	13.0	40.1	14.0	54.1	46	46
Sixth	4,651	4,385	266	21	1.7	22.7	19.1	3.2	22.3	7.4	23.3	8.4	31.7	31	31
Seventh	3,160	2,893	267	12	1.7	13.7	11.5	1.9	13.4	4.5	14.4	5.5	19.9	21	21
Eighth	3,351	2,713	638	14	4.2	18.2	15.3	2.6	17.9	6.0	18.9	7.0	25.9	23	23
Ninth	8,586	6,573	2,013	33	13.2	46.2	38.8	6.5	45.3	15.1	46.3	16.1	62.4	58	58
Tenth	2,631	2,201	430	14	2.8	16.8	14.1	2.4	16.5	5.5	17.5	6.5	24.0	23	23
Eleventh	6,228	4,545	1,683	21	11.0	32.0	26.9	4.5	31.4	10.5	32.4	11.5	43.9	38	38
TOTAL	51,524	40,958	10,566	212	71.1	283.1	237.7	39.9	277.6	92.6	289.6	104.6	394.2	365	365

**U.S. COURT OF APPEALS - ELEVENTH CIRCUIT**  
**PANEL WEEKS /ACTIVE JUDGE POWER REQUIRED IF A GREATER PERCENTAGE OF APPEALS WERE ORALLY ARGUED**  
**For Years Ended December 31<sup>1</sup>**

Calendar Slots for Appeals <sup>2</sup>	Calendar Slots for Criminal Appeals <sup>3</sup>	Calendar Slots for Prisoner Appeals <sup>4</sup>	Calendar Slots for Private Civil Rights Appeals <sup>5</sup>	Calendar Slots for Other Civil Appeals <sup>6</sup>	Percentage of Appeals to be Orally Argued	Number Panel Weeks Required <sup>7</sup>	Number Panel Judges Required	Number of Active Judgeships Required <sup>8</sup>
<b>1996</b>								
850 (1,124)	197 (349)	54 (55)	207 (237)	392 (483)	34.5	42.5	128	18.3
985 (1,303)	231 (404)	63 (64)	240 (271)	451 (564)	40.0	49.3	148	21.1
1,108 (1,466)	257 (455)	71 (72)	270 (305)	510 (634)	45.0	55.4	166	23.7
1,232 (1,629)	286 (505)	79 (80)	301 (339)	566 (705)	50.0	61.6	185	26.4
1,355 (1,792)	314 (556)	87 (88)	331 (373)	623 (775)	55.0	67.8	203	29.0
1,452 (1,921)	337 (596)	93 (94)	354 (405)	668 (826)	60.0	72.6	218	31.1
<b>1995</b>								
900 (1,247)	272 (512)	59 (59)	182 (217)	387 (459)	38.8	45.0	135	19.3
929 (1,287)	281 (529)	60 (60)	188 (224)	400 (474)	40.0	46.5	140	20.0
1,045 (1,448)	316 (595)	68 (68)	211 (252)	450 (533)	45.0	53.3	160	22.9
1,162 (1,609)	351 (661)	76 (76)	235 (280)	500 (592)	50.0	58.1	174	24.9
1,278 (1,770)	386 (727)	83 (83)	258 (308)	551 (652)	55.0	63.9	192	27.4
1,394 (1,931)	421 (794)	91 (91)	282 (336)	600 (710)	60.0	69.7	209	29.9
<b>1994</b>								
840 (1,197)	253 (516)	65 (66)	154 (169)	368 (446)	41.4	42.0	126	18.0
914 (1,302)	275 (561)	70 (72)	167 (184)	402 (485)	45.0	45.7	137	19.6
1,016 (1,447)	306 (624)	78 (80)	186 (204)	446 (539)	50.0	50.8	152	21.7
1,117 (1,509)	336 (604)	86 (87)	204 (224)	491 (594)	55.0	55.9	168	24.0
1,219 (1,736)	367 (748)	94 (96)	223 (245)	535 (647)	60.0	61.0	183	26.1
<b>1993</b>								
860 (1,241)	283 (501)	54 (56)	132 (146)	391 (538)	45.7	43.0	129	18.4
942 (1,359)	310 (549)	59 (61)	145 (160)	428 (589)	50.0	47.1	141	20.1
1,035 (1,494)	341 (604)	65 (67)	159 (176)	470 (647)	55.0	51.8	155	22.1
1,130 (1,630)	372 (659)	71 (73)	174 (192)	513 (706)	60.0	56.5	170	24.2

Source: Eleventh Circuit Data

Calendar Slots for Appeals	Calendar Slots for Criminal Appeals	Calendar Slots for Prisoner Appeals	Calendar Slots for Private Civil Rights Appeals	Calendar Slots for Other Civil Appeals	Percentage of Appeals to be Orally Argued	Number Panel Weeks Required	Number Panel Judges Required	Number of Judgeships Required
<b>1992</b>								
<b>700 (922)</b>	<b>224 (368)</b>	<b>50 (56)</b>	<b>118 (142)</b>	<b>308 (356)</b>	<b>38.5</b>	<b>35.0</b>	<b>105</b>	<b>15.0</b>
727 (958)	233 (382)	52 (59)	122 (148)	320 (369)	40.0	36.4	109	15.6
817 (1,077)	261 (430)	59 (66)	137 (166)	360 (415)	45.0	40.9	123	17.6
909 (1,197)	291 (478)	66 (73)	153 (184)	399 (462)	50.0	45.5	137	19.6
1,000 (1,317)	320 (525)	72 (80)	168 (203)	440 (509)	55.0	50.0	150	21.4
1,090 (1,436)	349 (573)	79 (88)	183 (221)	479 (554)	60.0	54.5	164	23.4

1. The first row of data shown in bold type for each year is based on actual experience. All other data are projections based on increases in the percentage of appeals argued.

2. Each calendar slot represents a "case" for argument purposes. One slot may contain more than one consolidated appeal. **The numbers in parentheses in this and other columns in this table represent individual appeals which fill the specified slots.**

3. Includes all direct appeals from conviction and/or sentence.

4. Includes civil appeals by prisoners, such as collateral challenges to convictions and/or sentence (habeas corpus, motion to vacate), civil rights actions brought by prisoners and suits relating to conditions of confinement.

5. Primarily discrimination cases (employment, race, sex); **excludes** civil rights appeals by prisoners (see Col. 3) and **excludes** civil rights appeals (including discrimination cases) in which the United States is a party (see Col. 5).

6. Includes other civil appeals (Diversity, Federal Question), civil rights appeals in which the United States is a party, bankruptcy appeals, agency cases and original proceedings; **excludes** civil appeals by prisoners (see Col. 3) and **excludes** private civil rights appeals (see Col. 4).

7. Each calendar is based on 20 oral argument slots.

8. The number of participating active circuit judgeships required assuming that each judge sat for the standard seven weeks of oral argument. Senior Eleventh Circuit Court of Appeals judges rarely hear more than three weeks of argument in addition to other duties they assume.